

Appln. No. : 10/054,051 Confirmation No. 1351  
Applicant : Epstein, *et al.*  
Filed : January 22, 2002  
TC/A.U. : 2121  
Examiner : Hiri, Joseph P.  
  
Docket No. : BOC9-2000-0039 (180)

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**DECLARATION UNDER 37 C.F.R. § 1.131**

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22203-1450

Sir:

I, Mark E. Epstein, a citizen of the United States of America, residing at 14 Old Village Lane, Katonah, NY 10536, hereby declare and state as follows:

1. I was employed by International Business Machines Corporation (IBM) of Yorktown Heights, New York at the time the above-identified application was conceived and I continue to be employed by IBM. I make this declaration in support the above-identified application.

2. IBM has invested substantial time and effort into the research, development, and marketing of their products, and in an effort to protect its rights in all new inventions, IBM requests that all employees prepare and submit IBM Confidential Invention Disclosure Forms upon conception by the inventor(s).

3. As a named co-inventor for this invention, I submitted the attached IBM Confidential Invention Disclosure BOC8-2000-0029.

4. I make this Declaration to establish that I and my co-inventor Jerome L. Quinn conceived of the present invention at least as early as April 13, 2000, and exercised due diligence from prior to April 13, 2000 to January 22, 2002, the filing date for the above-identified patent application.

5. I further declare that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the above-identified patent application or any patent issuing thereon.

Mark E. Epstein  
Mark E. Epstein

Date: 6/22/04

STATE OF NEW YORK                    )  
  ) ss:  
COUNTY OF WESTCHESTER        )

The foregoing instrument was sworn to and subscribed before me this 22<sup>nd</sup> day of June, 2004, by MARK E. EPSTEIN, who is personally known to me or who has produced driver's license (type of identification) as identification.

Robin Louise Moro  
NOTARY PUBLIC,  
STATE OF NEW YORK

\_\_\_\_\_  
(Print, Type or Stamp Commissioned Name of Notary Public)

Robin Louise Moro  
Notary Public, State of NY  
No. 01D16045019  
County of Westchester  
Commission Expires July 17, 2006